

REMARKS

Claim Status

Claims 1-3, 5, 6, 8, 9, 23 and 25-27 are pending in the present application. Claims 10-22, 24, and 28 are canceled without prejudice.

Claim 1 has been amended. Support for the amendment is found at page 11, lines 15-20 of the specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested. No additional claims fee is believed to be due.

The Rejection Under 35 USC § 112, first paragraph

The Examiner has rejected Claims 1-3, 5, 6, 8, 9, 23, 25, 26 and 27 under 35 USC § 112, first paragraph, as failing to comply with the written description requirement and that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Examiner states in particular that the specification as originally filed fails to provide sufficient written bases of any agents demonstrating wherein possession of use of the broad terms: a polymeric material, a lipase inhibitor, a non-digestible, non-absorbable, open-celled polymeric foam. The Examiner states that the mere fact that Applicants have found one type of polymeric material may be used to formulate the nondigestible, non-absorbable, open-celled polymeric foam is not sufficient to claim the entire genus. Applicants respectfully traverse this rejection based on the remarks contained herein.

The current pending claims are limited to polymeric material that is selected from the group consisting of celluloses, chitins, chitosans, natural sponges, synthetic sponges, polyvinyl acetate, polyvinyl alcohol, polyurethanes, polyacrylates, polymethacrylates, polystyrenics, polyolefins, copolymers thereof, and mixtures thereof. Additionally, the polymeric foam that contains the polymeric material must be nondigestible, non-absorbable, open-celled polymeric foam and must be a high internal phase emulsion foam. The current specification teaches that a high internal phase emulsion foam are prepared by polymerization of the oil phase of certain water-in-oil emulsions having a relatively high ratio of water phase to oil phase, commonly known in the art as "HIPE." Therefore, a polymeric foam material which results from the polymerization of such emulsions is referred to herein as a "HIPE foam." HIPE foams comprise a generally lipophilic or amphiphilic, flexible or semi-flexible, nonionic polymeric foam structure of interconnected open-cells. Therefore the current application is not claiming the entire genus of polymeric material but calls out specific polymeric material that is present in the

foam that is claimed and described in the current specification that must be nondigestible, non-absorbable, open-celled polymeric foam and a high internal phase emulsion foam.

One of ordinary skill in the art would understand from that foams utilized herein may comprise any of a variety of polymeric materials, provided such foams are non-digestible, non-absorbable, and open-celled and high internal phase emulsion foam. The Applicant has described throughout the specification functional characteristics, physical properties that need to be present for the purpose of sequestering one or more lipophilic materials present in the gastrointestinal tract of the animal. Additionally, the Applicant has provided Examples 1-4 that exemplifies the current invention. The combination of the description throughout the specification of the functional characteristics and physical properties that need to be present for the purpose of sequestering one or more lipophilic materials present in the gastrointestinal tract of the animal and the Examples 1-4 provides the written description necessary to show applicant was in possession of the claimed invention. Accordingly, reconsideration and withdraw of the rejection is respectfully requested.

Conclusion

In light of the remarks and amendments presented herein, Applicants respectfully submit Claims 1-11 are allowable and meet the requirements of 35 USC § 112, first paragraph and comply with the written description requirement. Reconsideration and allowance are respectfully requested. In the event that issues remain prior to allowance of the noted claims, then the Examiner is invited to call Applicant's undersigned attorney for further discussion.

Respectfully submitted,

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